UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

In re:	)	**Declaration of Daniel Heister**
Absorbent Technologies Site	)	
Albany, Linn County, Oregon	)	Docket No. CERCLA-10-2014-0067
_____	)	

I, Daniel Heister, declare and state as follows:

1. I am an On-Scene Coordinator for the U.S. Environmental Protection Agency (EPA), Region 10. My office is located 805 SW Broadway, Suite 500, Portland, Oregon. I have been so employed since July 2000.

2. As an On-Scene Coordinator (OSC), I have been assigned responsibilities for ensuring the protection of public health and the environment from the actual or the threat of release of hazardous substances, pollutants or contaminants from the Absorbent Technologies Site (ATI) in Albany, Oregon. The ATI site consists of two related industrial facilities, located at 140 Queen Avenue SW (the "Queen Property") and 2830 Ferry Street SW (the "Ferry Property"). The Queen Property lies directly west approximately 100 yards from residential homes, as indicated in Exh. 1.

3. On Wednesday, February 12, 2014, I received a phone call from Jonathan Sheckard of River City Environmental informing me that a contractor conducting salvage operations at the Queen Property on February 11, 2014, had opened a valve marked potassium hydroxide and approximately five gallons of material was release to the ground. Sheckard described the liquid material as looking like "rusty water." When I arrived at the Queen Property the next day, the material had been washed away. The salvage crew on-site at the time described the material as green in color and bubbling when it discharged. They also said that when the material came out, Sheckard quickly told them to "get back." Because the material had washed away the day before, I was unable then to collect a sample of the material. However, the salvage crew told me they were certain that the discharge from the valve was product and not "rusty water," suggesting to me that the pipe had not been properly drained and rinsed in accordance with the approved work plan. I gave the Cascade foreman, Dennis Campbell, my card with my cell phone number on the back and told him to call me if he had any concerns at the site. Campbell said he would. I told him I would be on site sometime next week to check on their progress.

4. On Thursday, February 20, 2014, at approximately 9:00 am, I arrived at the Queen Property accompanied by Jim Petersen of Ecology & Environment (E&E), an EPA contractor. After identifying ourselves to the security guard, we entered the Queen Property and began observing on-going activities. At that time, we observed employees of Cascade Metal Recycling on site dismantling pipes and tanks. We also observed two employees of NRC: Mike Cunningham and Antonio Valenzuela. We understood that NRC was on site to ensure that any residual material that may be encountered in pipes was safely contained. We initially made contact with Mike Cunningham who was the supervisor for NRC. I asked Mr. Cunningham how things were progressing and he said very well and that the work was almost complete. We talked a bit longer and I said that Mr. Petersen and I were going to walk around the tank farm to observe what had been completed.

5. After making introductions, we spoke with four Cascade Metal Recycling employees who were working on the tank farm: Ron Barker, Cody Terpening, Dennis Dezean, and Dennis Campbell. Mr. Barker stated that he was concerned that they could be potentially be exposed to hazardous liquids inside the pipes, and that he had expressed his concerns to Jonathan Sheckard of River City Environmental, Inc., and to the NRC employees. Barker said Sheckard dismissed the risk, saying all the piping had been rinsed out. Barker stated that the co-owner Farouk Al-Hadi asked him how long they would be dismantling the pipes. Barker told him possibly a couple of weeks, which Al-Hadi said was unacceptable.

6. Barker said that one Cascade employee had gotten burned from a substance that leaked out of a pipe located in the Queen Property tank farm. I asked if we could meet the employee, and Barker introduced us to Cody Terpening of Cascade. Terpening showed us an approximately 3" scabbed, crescent-shaped wound on his scalp. Barker said that he had got the liquid on his head on Tuesday 2/18/2014. Barker emailed to me a photo that he had taken of the wound on the evening of 2/18/2014. See Exh. 2 (photo). Terpening had not been to a doctor at this point. I advised the Cascade foreman, Dennis Campbell, to see that Terpening received immediate medical attention for the burn. I also made contact with OR OSHA later that afternoon to report the incident. The next day, Friday February 21, 2014, Doug Barlow, an Industrial Hygienist with OR OSHA arrived on scene to interview the Cascade crew members and to investigate the incident.

7. Further on 2/20/2014, Barker stated that on the afternoon of 2/18/2014, while working on an elevated platform in the tank farm scrapping process piping (apparently the acrylonitrile piping), he (Barker) smelled a "chemical smell," and then became nauseated and vomited three times. See Exh. 3 (Campbell notes). He said that after he smelled the odor and he got a funny taste in his mouth just before vomiting. The NIOSH handbook states that nausea and vomiting are symptoms of acrylonitrile exposure.

8. Jim Petersen and I next talked to Mike Cunningham of NRC. Cunningham said that he thought some of the pipes, though drained, may still have residual product, including acids

and hydroxides. He thought that the acrylonitrile lines, though, had been rinsed of residue. I asked why some of the lines may not have been rinsed of residue, and Cunningham answered that NRC had been told not to. Cunningham said that he had been approached by the co-owner Dave Ellis earlier in the week and was question by Ellis about what value he and NRC were bringing to the salvage operation.

9. Cunningham said the Cascade employee who had received the burn (Terpening) likely touched his head with chemical-contaminated glove. Cunningham said none of the Cascade workers were HazMat trained, and that NRC tried to explain the hazards, but the workers still did not always use safe practices. The Cascade crew had no HAZWOPPER training, yet for the first three days of work (Monday 2/17, Tuesday 2/18, Wednesday 2/19), NRC provided them with personal protective equipment (Tyvek/Saranex, gloves, face shields) and told the Cascade crew to avoid getting any material on them because it was "hot product."

10. Cunningham said that he had been standing beside Barker at the time of the incident, and that he had not smelled any unusual odor and that he had a Photoionization Detector (PID) and had not detected any acrylonitrile. [NOTE: A standard 10.6 eV PID lamp will not pick up acrylonitrile; to detect acrylonitrile would require a Flame-Ionizing Detector (FID), or a PID equipped with an 11.7 eV lamp, which is not common]. Later on 2/24/2014, I confirmed with Cunningham's supervisor Bob Ransdale that the PID was not equipped with the 11.7 eV lamp and could not have detected acrylonitrile.

11. Later in the day on 2/20/2014, around 11:00 am, I talked again with Cunningham and Cunningham then indicated that he was not sure if NRC rinsed all of the pipes or not at the Queen Property. He said he was mostly involved with the Ferry Street property.

12. Jonathan Sheckard of River City Environmental called me shortly after 11:00 am wanting to know what was going on at the site. I asked Sheckard if the pipes at the Queen Property had all been cleaned and flushed per the approved workplan. Sheckard said that he thought that they were and that he had been told by NRC that they had.

13. Later that day, Sheckard called me again and said that he had contacted NRC management (Bob Ransdale), and that they had confirmed to him that yes, all of the pipes had been drained of product and rinsed with water.

14. Jim Petersen and I walked around the site and took photographs of the work at the facility.

15. At approximately 2:00 pm on 2/20/2014, I received a call from Ron Barker of Cascade. They had taken Cody Terpening to the occupational clinic, and said the clinic had diagnosed it as a chemical burn, Exh. 4, which appeared to be healing. However, they said if it was from potassium hydroxide, there is an ongoing concern because it could result in the wound

opening and closing, and possible continued tissue damage. They scheduled another appointment for Terpening next week to examine the injury.

16. Jim Petersen and I departed the Queen Property at 4:00 on 2/20/2014.

17. On Friday, 2/21/2014, Jim Petersen and I arrived at the Queen Property, with Bryan Ciecko of E&E en route with an EPA emergency response vehicle to assist in the sampling effort. Peterson and I checked in with security person and signed a sign-in log at the front desk. We proceeded to the conference room in Building #1 where we met again with the Cascade Metal Recycling crew: Ron Barker, Cody Terpening, Dennis Dezean, Dennis Campbell, plus a higher level person, Chris Gerlitz, from their Grants Pass office.

18. Jim Petersen and I talked with the five Cascade Metal Recycle employees named in Paragraph 17 above. The Cascade employees said they started working on the Queen Property tank farm demolition on 2/17/2014. They said they had been subcontracted by Metro Metals Northwest Inc., who in turn had been contracted by David Ellis (the property owner) to conduct metal scrapping at the facility. They had been told by Mike Cunningham of NRC that the pipes had been "drained" but not flushed. Cascade employees confirmed that the pipes that they had cut open on the site had liquid in them. The material would be collected in a bucket by an NRC or Cascade worker. Some liquids would spill to the ground (or floor, or tank farm containment). The buckets were poured into a blue plastic container, approximately 42-gallon capacity, which is now located in the southeastern corner of Building #1. Barker said he got a liquid on him one day, and was told by Mike Cunningham to go rinse it off immediately with water. Dennis Campbell said that on one occasion he cut open a pipe with a grinder and a liquid came out onto the floor, and Antonio Valenzuela of NRC sprayed a neutralizer on it.

19. Cody Terpening said he was working in the warehouse (Building #1) on Tuesday 2/18/2014 and opened a valve, and that is when the liquid got on his head. It was not clear if it was splashed him or if he had it on glove and touched his head. Dennis Campbell (Cascade Foreman) has a log entry stating that Terpening was working on a starch line on 2/18/2014 when it "blew" and sprayed his face and head area. Exh. 3.

20. According to Cascade employees, NRC directed Cascade to open valves, cut pipes at the low points, and then if liquid came out to capture it, as best they could, in buckets. They were instructed not to get material on them and if they did to immediately decontaminate themselves with water. The crew described the bucket capturing technique as chaotic with a lot of material reaching the ground before being captured in a bucket. NRC supplied Cascade employees with Tyvek suits and nitrile gloves and face shields, which Cunningham of NRC directed them to wear up until the end of Wednesday (2/19/2014).

21. Barker stated that the acrylonitrile product piping often occurred as an approximately 5-inch outer pipe with a 2-inch inner pipe (double walled configuration with the inner 2-inch line carrying the product). Barker said it was common when they cut into the outer pipe to see a brown liquid come out, but he is not sure if it came from the interstitial space between the pipes, or from the 2-inch pipe. He described it as looking like rusty water. Acrylonitrile is a clear slightly amber colored liquid. I ask Barker if he had observed anything like that from the inner 2-inch pipe and he said no.

22. Cascade workers said NRC workers (Mike Cunningham or Antonio Valenzuela) would often check liquid in pipes with pH test strips. Several times during the Cascade's demolition operations, Cunningham identified liquid as "hot," which indicated that the material was dangerous and needed to be contained. Typically they would be told to go work somewhere else while the NRC workers collected the liquid in buckets. According to Cascade workers, when the pipes were cut up, they were not rinsed nor cleaned, but put into the open metal recycling bins.

23. Chris Gerlitz said that Cascade had bid the job assuming they could cut the pipes up with torches, and had no knowledge of the dangerous materials inside the pipes.

24. Ron Barker stated that Farouk Al-Hadi came on site about two weeks earlier (prior to 2/21/20) and asked how long it would take to demolish the process piping. Barker said 7 to 10 days, and Al-Hadi said that was too long, that they needed to do it in 3 days because it was costing him too much money to have NRC on site to stand around and watch them.

25. Barker said that Cunningham on Tuesday 2/18/2014 opened a bottom valve on a catchment tank, located in the small secondary containment east of the water treatment building. The valve to the containment was open, allowing the contents of tank to flow into the wastewater chaseway which led directly to a city storm water drain. See Exh. 5 (photo). Barker said that Cunningham closed the tank valve, then a few minutes later, opened the valve again allowing the tank contents to drain out. Ron Barker, Dennis Dezean, Dennis Campbell, and Cory Terpening all witnessed this and said that material flowed continuously from the tank for approximately 30 minutes. With that, Jim Petersen and I concluded our interview with the Cascade Metals crew at approximately 9:30 am.

26. At approximately 12:10 pm on 2/21/2014, Jim Petersen and Bryan Ciecko collected a sample from the blue plastic drum in the southeast corner of Building #1 in which NRC reportedly stored liquid collected from pipes. We tested the liquid with pH test strips and it indicated a pH of about 13. Jim Peterson and I used pH test strips to measure a tub of milky liquid (approximately ten gallons) on the floor in the SW corner of Building #1. See Exh. 6 (photo). The test strip indicated a pH of less than 3. See Exh. 7 (photo). We also checked a small puddle on the floor, and read a pH of 3 to 4. This sample was taken directly under a grated scaffolding above which had cut up chemical line lying on the grate floor directly above the

sampled puddle. We returned to the tub of milky liquid on 2/24/2014 and collected a sample from that container as well as a sample from the above ground storage tank near the city spill way. These samples were submitted to a certified lab for analysis of pH, volatile organic compounds (VOCs), and total metals.

I declare under penalty of perjury that the foregoing is true and correct and is executed this __th day of February, 2014 in Portland, Oregon.

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Daniel Heister

On-Scene Coordinator

U.S. EPA Region 10